EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2007-0622-IWD-E **TCEQ ID:** RN100250034, RN100249556 **CAS**

CASE NO.: 33243

RESPONDENT NAME: Contractor's Supplies, Inc.

·	· · · · · · · · · · · · · · · · · · ·	
ORDER TYPE:		
X 1660 ÅGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	_EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
_X_WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
SITE WHERE VIOLATION(S) OCCURE County TYPE OF OPERATION: Ready-mixed co	RED: Contractor's Supplies, 905 Lake Street, Harris	son County, and 417 Calvin Boulevard, Gregg
SMALL BUSINESS: Yes X	_No	
OTHER SIGNIFICANT MATTERS: The these facility locations.	re are no complaints. There is no record of addition	al pending enforcement actions regarding
INTERESTED PARTIES: No one other th	an the ED and the Respondent has expressed an inte	erest in this matter.
COMMENTS RECEIVED: The Texas Reg	gister comment period expired on July 16, 2007. No	o comments were received.
1387; Mr. Steven Lopez, Enforcer Respondent: Mr. David Mooty, P	or: None r: Ms. Cari-Michel LaCaille, Enforcement Division, nent Division, MC 219, (512) 239-1896 resident, Contractor's Supplies, Inc., P.O. Box 1501 esented by counsel on this enforcement matter	

RESPONDENT NAME: Contractor's Supplies, Inc.

DOCKET NO.: 2007-0622-IWD-E

VIOLATION SUMMARY CHART: VIOLATION INFORMATION PENALTY CONSIDERATIONS **CORRECTIVE ACTIONS** inkondinga (ventagara) in serterapya TAKEN/REQUIRED 10001 / Type of Investigation: Total Assessed: \$4,380 **Corrective Actions Taken:** ___ Complaint Routine **Total Deferred: \$876** The Executive Director recognizes that Enforcement Follow-up X Expedited Settlement Contractor's Supplies has implemented the X Records Review following corrective measures at the Facilities: __Financial Inability to Pay Date(s) of Complaints Relating to this Case: None a. On January 8, 2007, the filter gravel in **SEP Conditional Offset: \$0** all run off areas was replaced, both filter bark systems were cleaned and inspected, Date of Investigation Relating to this Total Paid to General Revenue: \$3,504 and service programs have been Case: March 9, 2007 implemented to ensure the filter bark RN100249556 systems are cleaned and inspected on a Date of NOE Relating to this Case: Site Compliance History Classification April 12, 2007 and April 25, 2007 (NOE) monthly basis for Facility 1 and 2; and __ High _X_ Average __ Poor Background Facts: This was a routine b. On January 31, 2007, returned to **Person Compliance History Classification** records review. Two violations were compliance with permitted effluent limits __ High _X_ Average __ Poor for Facility 1 and 2. documented, RN100250034 WATER Site Compliance History Classification X High Average Poor 1) Failure to comply with the permitted effluent limits as documented during a **Person Compliance History Classification** record review conducted on March 9, __ High _X Average __ Poor 2007. Specifically, the Total Suspended Solids ("TSS") daily maximum concentration for the reporting period Major Source: Yes X No ending on November 30, 2006 was 138 milligrams per liter ("mg/L") and the daily Applicable Penalty Policy: September 2002 maximum concentration for the reporting period ending on December 31, 2006 was 113.7 mg/L, which exceeded the 65 mg/L permitted limit for TSS [Tex. WATER CODE § 26.121(a), 30 Tex. ADMIN. CODE § 305.125(1) and General Permit No.110319, Permit Requirements]. 2) Failed to comply with the permitted Effluent limits for Facility 2. Specifically, the TSS daily maximum concentration for the reporting period ending on November 30, 2006 for Outfall 001A was 138.3 mg/L and for Outfall 003A was 138.3 mg/L. The TSS daily maximum concentration for the the reporting period ending on December 31, 2006 for Outfall 001A was 139 mg/L, which exceeded the 65 mg/L permitted limit for TSS [Tex. Water Code § 26.121(a), 30 Tex. ADMIN. CODE § 305.125(1) and General Permit No. 110197, Permit Requirements, as documented during a record review

conducted on March 9, 2007].

	Pena	alty Calculati	on Works	sheet (P	CW)	
Policy Revision 2 (Sep	tember 2002)				PCW Revision Nov	ember 15, 2006
<u>rceq</u>	00 4 0007					
DATES Assigned PCW	30-Apr-2007 1-May-2007 Sc	creening 1-May-200	7 EPA Due			*
RESPONDENT/FACILITY						
	Contractor's Supplie	es, Inc.				
Reg. Ent. Ref. No. Facility/Site Region	RN100249556		Major	Minor Source	Minor	
	O Tyloi			Millior Gource	Immor	
CASE INFORMATION					2 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7	
Enf./Case ID No.			No.	of Violations		_
Docket No. Media Program(s)	2007-0622-IWD-E		- _{En}	Order Type	Cari-Michel La Caille	
Multi-Media	Water Quality				EnforcementTeam 4	_
Admin. Penalty \$ I	imit Minimum	\$0 Maximum	\$10,000			
		Penalty Calcu	lation Sec	tion		
TOTAL BASE PENAL					Subtotal 1	\$2,000
ADJUSTMENTS (+/-)	Contract for a contract of the					
Subtotals 2-7 are obtain	ined by multiplying the To	otal Base Penalty (Subtotal	y ny yy ny finganamanany mitanina any kaominina ani			Marie Marie
Compliance Hist			7% Enhancement		otals 2, 3, & 7	\$1,140
Notes	Order, 7 NOVs fo	nt is recommended for r self-reported effluen	t data and one N			
	sim	nilar violation within the	e last five years.]	
Culpability	No		0% Enhancement	2 12	Subtotal 4	\$0
Notes	The Resp	ondent does not meet	the culpability c	riteria.		
Good Faith Effor	t to Comply	2	5% Reduction		Subtotal 5	\$500
		OV to EDPRP/Settlement O	ffer			
Extraordinary Ordinary		<u>- eau la </u>				
N/A		ark with x)			_	
1						
Notes	The Respond	ent returned to compli	ance on January	31, 2007.		4
			0% Enhancement*		Subtotal 6	\$(
	Total EB Amounts	\$17 *Caj	oped at the Total EB	\$ Amount	Subtotal o	Ψ
Approx.	Cost of Compliance	\$2,000				
SUM OF SUBTOTAL	S 1-7				Final Subtotal	\$2,640
OTHER FACTORS A	S HISTICE MAY	VPEAIIDE	¥	1	Adjustment	\$(
Reduces or enhances the Final			er only; e.g30 for -:] 30%.)	Aujusunem	
Notes					10	
Notes	34.1 × 1.11					
				Final Pe	enalty Amount	\$2,64
STATUTORY LIMIT	ADJUSTMENT	uki da Kab		Final Ass	essed Penalty	\$2,64
DEFERRAL			20%	Reduction	Adjustment	-\$52
Reduces the Final Assessed Pe	nalty by the indicted perc	centage. (Enter number on				- 4020
NI-4	D.	eferral offered for expe	ditad cattlamant			
Notes	De	remai onered for expe	uneu semement			

PAYABLE PENALTY

\$2,112

Policy Revision 2 (September 2002)

PCW Revision November 15, 2006

Respondent Contractor's Supplies, Inc.

Case ID No. 33243

Reg. Ent. Reference No. RN100249556 Media [Statute] Water Quality

Enf. Coordinator Cari-Michel La Caille

Compliance History Worksheet >> Compliance History Site Enhancement (Subtotal 2) Component Number of... Enter Number Here Adjust. Written NOVs with same or similar violations as those in the current enforcement action 35% NOVs (number of NOVs meeting criteria) Other written NOVs . 2% Any agreed final enforcement orders containing a denial of liability (number of orders 20% meeting criteria) Orders Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory 0 0% emergency orders issued by the commission Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting 0% 0 Judgments and Consent Any adjudicated final court judgments and default judgments, or non-adjudicated final court Decrees judgments or consent decrees without a denial of liability, of this state or the federal 0 0% government Any criminal convictions of this state or the federal government (number of counts) Convictions 0% Chronic excessive emissions events (number of events) 0 0% Emissions Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of · * 0 ი% audits for which notices were submitted) **Audits** Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege 0% Act, 74th Legislature, 1995 (number of audits for which violations were disclosed) Please Enter Yes or No Environmental management systems in place for one year or more No 0% Voluntary on-site compliance assessments conducted by the executive director under a No 0% special assistance program Other Participation in a voluntary pollution reduction program 0% No Early compliance with, or offer of a product that meets future state or federal government No 0% environmental requirements Adjustment Percentage (Subtotal 2) >> Repeat Violator (Subtotal 3) No Adjustment Percentage (Subtotal 3) >> Compliance History Person Classification (Subtotal 7) Average Performer Adjustment Percentage (Subtotal 7) >> Compliance History Summary

Compliance History Notes

A 57% enhancement is recommended for having one 1660-style Agreed Order, 7 NOVs for self-reported effluent data and one NOV for a non-similar violation within the last five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7)

	Screening Date	1-May-2007	Docket No	. 2007-0622-IWD-E	PCW
	Respondent	Contractor's Supplies, In	C.	Pe	olicy Revision 2 (September 2002)
	Case ID No.			F	PCW Revision November 15, 2006
	Reg. Ent. Reference No.				en strong de la company de la
	Media [Statute]				
	Enf. Coordinator				
	Violation Number				
	Rule Cite(s)	Tex. Water Code § 26	121(a), 30 Tex. Admin. Code No.110197, Permit Requ	e § 305.125(1) and General Per irements	mit
	Violation Description	conducted on March 9, reporting period ending Outfall 003A was 138.3	2007. Specifically, the TSS on November 30, 2006 for C3 mg/L. The TSS daily maxin	documented during a record redaily maximum concentration for butfall 001A was 138.3 mg/L and num concentration for the report A was 139 mg/L, which exceede for TSS.	r the d for ting
				Base Pe	nalty \$10,000
	>> Environmental, Property a	ind Human Health M Harm	latrix		
a Maria Sala Asian	Release		e Minor		
	OR Actual		X	And the second of the second o	
	Potential			Percent 10%	
	>>Programmatic Matrix Falsification	Major Moderat	e Minor		
	Taisincation	Wajor Woderat	- Willion	Percent 0%	9-4-0-1
	- A. C.	1			
				nt amounts of pollutants which d receptors as a result of the viol	
				Adjustment \$	9,000
					J.c. 1867 -
					\$1,000
	Violation Events				
	Number of V	olation Events 1	61	Number of violation days	
111					
		daily			
	mork only one	monthly quarterly x		Violation Base Pe	enalty \$1,000
	mark only one with an x	semiannual		violation base i e	marty 41,000
		annual			
	7	single event			
			•		
		One	quarterly event is recommen	ded	
	Economic Benefit (EB) for th	is violation		Statutory Limit Test	
	Estimate	ed EB Amount	\$17]	Violation Final Penalty	Total \$1,320
Marie and the second control of the second c	and the second of the second o		This violation Final Acc	sessed Penalty (adjusted for I	imits) \$1.320

	E	conomic l	Benefit W	orks	sheet		14.14.13
Respondent		ipplies, Inc.			. '		
Case ID No.					Section 1		ar e i euit
Reg. Ent. Reference No.							***************************************
	Water Quality					Percent Interest	Years of
Violation No.	1				1.0		Depreciation
				5.4		5.0	15
and the state of t	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
	110 Commas of V		<u> </u>	Charletta attend		6 - 6 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -	1
Delayed Costs		2 12 13 2 2 1	100 000	1500			
Equipment	NICTURE CONTRACTOR			0.0	\$0	\$0	\$0
Buildings		3.4.7.9.3.4.1	Name of the Control o	0,0	\$0	\$0	\$0
Other (as needed)	man available	1030-1010	Commence of the second	0,0	\$0	\$0	-\$0
Engineering/construction	10 Mag 10 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Leskishing Co. III Section		0.0	\$0	\$0	\$0
Land	NATIONAL PROPERTY OF THE PARTY	A SECTION AND A		0.0	\$0	n/a	\$0
Record Keeping System	777	1,000,000,000,000		0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal		1.7		0.0	-\$0	n/a	\$0
Permit Costs			52 CT (4532)	∯ 0,0	. 50	n/a	\$0 : .
Other (as needed)	\$2,000	30-Nov-2006	31-Jan-2007	0.2	\$17	n/a	\$17
Notes for DELAYED costs	exceedance	s.;Date required is	the date the nonco	omplina	ce started and the	ave reduced or alle final date is the con	npliance date.
Avoided Costs	ANN	UALIZE [1] avoide	ed costs before e	ntering		one-time avoided	
Disposal	Part of the Control o	FATERITY CONTROL (MAN DO A CONTROL		0,0	-\$0	\$0	\$0
Personnel	COST A CONTROL OF SOLUTION	To Mark Target III.		0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling		1/2/11/2/2011/19/11		0.0	\$0	\$0	\$0
Supplies/equipment		and the same of th	Aleksan e Nilatera eta a	0.0	\$0	\$0	\$0
Financial Assurance [2]	Land Carlo		2.46	0,0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	2014			0,0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs							
india idi 717 dipila dalla					the second se		
· 1					2010 2000 2000		
Approx. Cost of Compliance		\$2,000			TOTAL		\$17

Compliance History Customer/Respondent/Owner-Operator: CN600134316 Contractor's Supplies, Inc. Classification: AVERAGE Rating: 2.12 Regulated Entity: RN100249556 CONTRACTORS SUPPLIES Classification: AVERAGE Site Rating: 1.06 ID Number(s): WASTE WATER GENERAL PERMIT PERMIT TXG110197 PETROLEUM STORAGE TANK REGISTRATION 36917 REGISTRATION 417 CALVIN BLVD, GREGG COUNTY, TX 75602 Rating Date: September 01 06 Repeat Violator: Location: TCEQ Region: **REGION 05 - TYLER** May 02, 2007 Date Compliance History Prepared: Agency Decision Requiring Compliance History: Enforcement Compliance Period: May 02, 2002 to May 02, 2007 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Cari-Michel La Caille Phone: 512-239-1387 Name: **Site Compliance History Components** 1. Has the site been in existence and/or operation for the full five year compliance period? 2. Has there been a (known) change in ownership of the site during the compliance period? No 3. If Yes, who is the current owner? N/A 4. if Yes, who was/were the prior owner(s)? N/A N/A 5. When did the change(s) in ownership occur? Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. ADMINORDER 2003-1359-WQ-E N/A Effective Date: 08/13/2004 Classification: Moderate

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121

Rqmt Prov: Effluent Limits PERMIT

Description: Failed to comply with the permitted discharge limitation.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

Citation:

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 07/29/2002 (242309)2 07/29/2002 (242306)3 07/29/2002 (242304)4 10/21/2002 (242318)10/21/2002 (242315)10/21/2002 (242312)7 01/27/2003 (242321)8 01/27/2003 (242327)9 01/27/2003 (242324)10 04/28/2003 (242302)11 04/28/2003 (242299)12 04/28/2003 (242296)13 05/27/2003 (252093)14 06/20/2003 (331451)15 06/20/2003 (331452)16 07/29/2003 (331453)17 09/08/2003 (331454)18 10/14/2003 (331455)

(331456)

19 10/14/2003

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21 02/03/2004
                          (331457)
       22
           02/03/2004
                            (331458)
       23 02/03/2004
                            (331459)
           03/09/2004
                            (331448)
       24
       25 03/09/2004
                            (331449)
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           04/12/2004
                            (331450)
       27
          05/14/2004
                            (369439)
           05/14/2004
       28
                            (369440)
           06/21/2004
                            (369441)
       29
           07/26/2004
                            (369442)
       30
       31
           08/19/2004
                            (369443)
           09/20/2004
                            (369444)
       32
       33
           11/18/2004
                            (369445)
           01/31/2005
                            (391575)
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       35
           03/02/2005
                            (391574)
           04/26/2005
                            (429034)
       37 04/29/2005
                            (429033)
       38 05/31/2005
                            (429035)
       39
           07/11/2005
                            (448677)
       40
           08/30/2005
                            (448678)
       41
           08/30/2005
                            (448679)
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           11/09/2005
                            (495184)
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           11/09/2005
                            (495186)
           12/06/2005
                            (495185)
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           12/28/2005
                            (495187)
           01/27/2006
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                            (495188)
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           03/27/2006
                            (495182)
           03/27/2006
                            (495183)
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        49
           05/02/2006
                            (507594)
           06/05/2006
                            (507595)
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           06/05/2006
                            (507593)
       52 07/20/2006
                            (529801)
       53 07/20/2006
                            (529807)
        54 07/27/2006
                            (507596)
                            (529803)
        55
           08/25/2006
           08/28/2006
                            (510162)
       56
           08/29/2006
        57
                            (529802)
       58
           08/30/2006
                            (529804)
        59
           08/30/2006
                            (529808)
       60
           09/15/2006
                            (529805)
                            (529806)
       61
           10/20/2006
       62
           11/17/2006
                            (552748)
           12/21/2006
                            (552749)
        64 01/22/2007
                            (552750)
        65 02/21/2007
                            (552747)
        66 04/25/2007
                            (543629)
Written notices of violations (NOV). (CCEDS Inv. Track. No.)
         Date 06/30/2002
                                 (242309)
         Self Report?
                                                                             Classification
                                                                                              Moderate
         Citation:
                            30 TAC Chapter 305, SubChapter F 305.125(1)
                            TWC Chapter 26 26.121(a)[G]
         Description:
                            Failure to meet the limit for one or more permit parameter
         Date 02/28/2003
                                 (242299)
                                                                             Classification
         Self Report?
                        YES
                                                                                              Moderate
                            30 TAC Chapter 305, SubChapter F 305.125(1)
         Citation:
                            TWC Chapter 26 26.121(a)[G]
         Description:
                            Failure to meet the limit for one or more permit parameter
         Date 03/31/2003
                                 (242302)
                                                                             Classification
         Self Report?
                        YES
                                                                                              Moderate
         Citation:
                            30 TAC Chapter 305, SubChapter F 305.125(1)
                            TWC Chapter 26 26.121(a)[G]
         Description:
                            Failure to meet the limit for one or more permit parameter
         Date 08/31/2003
                                 (331455)
```

Classification

Moderate

41 198/40/2016

"CONVO CONTRA DAG ELLO

20 10/29/2003

E.

Self Report?

YES

(253677)

Citation:

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date 09/30/2003

Self Report? YES

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date 06/27/2006

(510162)

(331456)

Self Report? NO

30 TAC Chapter 305, SubChapter F 305,125(1)

Citation:

PERMIT Self-reporting Requirements

Rqmt Prov: Description:

Using unapproved self-generated Discharge Monitoring Report (DMR) forms to report

monitoring results.

Date 11/30/2006

(552749)

Self Report? YE

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

TWC Chapter 26 26.121(a)[G]

Date 12/31/2006

Failure to meet the limit for one or more permit parameter (552750)

(332130)

Self Report? YES

Classification

Classification

Classification

Classification

Moderate

Moderate

Moderate

Minor

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

	Pan	alty Calcu	lation \	Norks	heet (P	CW)	
Policy Revision 2 (Septe		aity Calcu	iation	VVOING	incer (i	PCW Revision No	vember 15, 2006
TCEQ							
DATES Assigned PCW	16-Apr-2007 19-Apr-2007 S	creening 19-Ap	r-2007	EPA Due			
RESPONDENT/FACILITY							
Respondent	Contractor's Suppl	ies, Inc.					
Reg. Ent. Ref. No.	RN100250034					IN diama	_
Facility/Site Region	5- i yier			Major/i	Minor Source	IMITO	
CASE INFORMATION			THE STATE OF STATE	i Santa XX	5 76		
Enf./Case ID No.	33243			No.	of Violations	1	
	2007-0622-IWD-E				Order Type		
Media Program(s)	Water Quality			Enf.		Cari-Michel La Caille	
Multi-Media	114 MH21	¢0 Ind		10.000	EC's Team	EnforcementTeam 4	
Admin. Penalty \$ L	Jimit Minimum]	\$0 Maxim	um L 3	10,000			
		Penalty Ca	alculation	n Sec	tion	e de la companya de l	* * 1
TOTAL BASE PENAL	TY (Sum of vic	-				Subtotal 1	\$2,000
			chance				
ADJUSTMENTS (+/-)	TO SUBTOTAL	-1					
Subtotals 2-7 are obtain	way age to the first that the first that the second of the	otal Base Penalty (Su	was a survey was one or a second	e de la grava de el pera la espegajaja (o			£240
Compliance Histo				hancement		otals 2, 3, & 7	\$240
	A 12% enhance reported effluent of	ment is recomme					
Notes	reported emdent o		e years.	imilai viole	adort within the]	~
Culpability	No		0% Er	hancement		Subtotal 4	\$0
Notes	The Res	pondent does not	meet the cu	ılpability cr	iteria.		
Good Faith Effor		OV to EDPRP/Settlen	m thanks you was taken you and a time	Reduction		Subtotal 5	\$500
Extraordinary		OV to EDI TO Gettlen	ient Onei				
Ordinary	x						
N/A		ark with x)				_	
Notes	The Respond	dent returned to c	ompliance c	n January	31, 2007.		
			1	<u> </u>			
			0% En	nancement*		Subtotal 6	\$0
Na Mining Hade distance to the action of	Total EB Amounts	\$17		the Total EB	\$ Amount		
Approx.	Cost of Compliance	\$2,000					
SUM OF SUBTOTAL	C 1.7			Wile Hatel	75-57 NG-8	Final Subtotal	\$1,740
SUM OF SUBJUIAL		. 1. (142), (151), (154), (154), (154), (154), (154), (154), (154), (154), (154), (154), (154), (154), (154),				i mai Gubiotai	Ψ.,. ιο
OTHER FACTORS A	SUBSTICE MA	YREQUIRE				Adjustment	\$0
Reduces or enhances the Final S	Subtotal by the indicate	d percentage. (Enter	number only; e	g30 for -3] 0%.)		
						# 	
Notes	The transfer of						
and the state of t		<u> </u>	18.21		Final Pa	enalty Amount	\$1,740
					i iliai i e	many Amount	ψ1,1-10
STATUTORY LIMIT	ADJUSTMENT				Final Ass	essed Penalty	\$1,740
	The state of the s	d					
DEFERRAL				20%	Reduction	Adjustment	-\$348
Reduces the Final Assessed Per	nalty by the indicted pe	rcentage. <i>(Enter num</i>	ber only; e.g. 2			oore Carater, Africano Me	
			:			-1	
Notes		eferral offered for	expedited s	ettlement.		1	

PAYABLE PENALTY

\$1,392

Docket No. 2007-0622-IWD-E

PCW

Respondent Contractor's Supplies, Inc.

Case ID No. 33243

Reg. Ent. Reference No. RN100250034

Media [Statute] Water Quality

Enf. Coordinator Cari-Michel La Caille

Policy Revision 2 (September 2002) PCW Revision November 15, 2006

	Component	Site Enhancement (Subtotal 2)	Enter Number Here	Adjust.	
	NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	10%	
	INOVS	Other written NOVs	1.42	2%	
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	and the state of t	0%	
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denia of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%	
	Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)		0%	
	and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final cour judgments or consent decrees without a denial of liability, of this state or the federa government	l O	0%	. 4
	Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%	
	Emissions	Chronic excessive emissions events (number of events)	0	0%	
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	Breed Contability services	0%	
		Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%	
		Plea	se Enter Yes or No	,	
		Environmental management systems in place for one year or more	No	0%	
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No No	0%	
	Outo	Participation in a voluntary pollution reduction program	No	0%	
	7 (24)	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	t No	0%	
		Adjustment I	Percentage (S	ubtotal 2)	12%
Repea	at Violator (Su	btotal 3)			
	No	Adjustment l	Percentage (S	ubtotal 3)	0%
Comp	liance History	Person Classification (Subtotal 7)		5 50 50 5 12 12 12 12 12 12 12 12 12 12 12 12 12 12 12 1	
	Average P	erformer Adjustment H	Percentage (S	ubtotal 7) [0%
Comp	liance History	/ Summary		1 (A) (H)	274 P
:	Compliance History Notes	A 12% enhancement is recommended for having two NOVs for self-reported effluent data a a non-similar violation within the last five years.	nd one NOV for		

S	creening Date		Docke	et No. 2007-0622-IWD-E		PCW
		Contractor's Supplies, Inc.			Policy Rev	ision 2 (September 2002)
58.64.	Case ID No.				PCW Rev	rision November 15, 2006
	Reference No.					
	ledia [Statute]					
	t. Coordinator Violation Number	Cari-Michel La Caille				
· ·	violation Number					100
	Rule Cite(s)	Tex. Water Code § 26.1.	21(a), 30 Tex. Admin No.110319, Permit	. Code § 305.125(1) and General Requirements	Permit	
Viol	ation Description	conducted on March 9, maximum concentration f milligrams per liter ("mg/L"	2007. Specifically, th or the reporting perio ") and the daily maxir	its as documented during a recor e Total Suspended Solids ("TSS" d ending on November 30, 2006 num concentration for the reporti L, which exceeded the 65 mg/L p 'SS.	') daily was 138 ng period	
a kan a sakari				Base	Penalty	\$10,000
>> Environme	ntal, Property a	and Human Health Ma	itrix			
		Harm				
00	Release		Minor			
OR	Actual Potentia		X	Percent 10%		
>>Programma	tic Matrix					
	Falsification	Major Moderate	Minor			
基本基金				Percent 0%		
Matr Note	Human healt es exceed level	th or the environment has b s that are protective of hum	een exposed to insig an health or environn	nificant amounts of pollutants whi nental receptors as a result of the	ch do not violation.	
				Adjustment	\$9,000	t en
					Г	\$1,000
					L	<u> </u>
Violation Even	its 7		表基金集集 B		黄色素	***
					_	
	Number of V	iolation Events 1		61 Number of violation day	S	
		daily				
	mark only one with an x	monthly		Violation Bas	e Penalty[\$1,000
		single event				
		One qu	uarterly event is recor	mmended.		
	L					
Economic Bei	nefit (EB) for tl	nis violation		Statutory Limit Te	st	
processor	Estimate	ed EB Amount	\$17	Violation Final Per	alty Total	\$87
			This violation Fin	al Assessed Penalty (adjusted	for limits)	\$870
		化 點訳 经放弃主动		A C 4 5 5 5 5 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6	1.5	

Gase ID No Reg. Ent. Reference No		2PP1100, 1110.			4 1 1 m	ing the second s	salah Makada Jawa
	a Water Quality			٠	erio de la companya d	Percent Interest	Years of Depreciation
					1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	5.0	15
Was possible	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
nem Descriptio	n No commas or \$	de la seconda de la companya de la c			A STATE OF THE STA	Bit 4 (1904) 1000 1	5
Delayed Cost	Ś	4 64 F 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		1977	70 3 2 2	AND THE RESERVE	
Equipment			30.4	0.0	\$0	\$0	\$0
Buildings	3.270 (A.121)			0.0	\$0	\$0	\$0
Other (as needed)		37.52.		0.0	. \$0	\$0	\$0
Engineering/construction	California de la composición del composición de la composición de		The Control of the Co	0.0	\$0	\$0	\$0
Land	* 1.35			0.0	\$0	n/a	\$0
Record Keeping System	Transmissipper young a continu		Terries of deal of the second	0,0	\$0	n/a	\$0
Training/Sampling	1111.19111.1914.1914.1914.191	41		0,0	\$0	- n/a	\$0
	Chairman Committee of the Committee of t						
Remediation/Disposal		The state of the s		0,0	\$0	n/a	\$0
Remediation/Disposal Permit Costs Other (as needed)	\$2,000	30-Nov-2006	31-Jan-2007	0,0 - 0,0 - 0,2	\$0 \$0 \$17	n/a n/a n/a	\$0 \$0 \$17
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Compliance History

Customer	/Responde	ent/Owner-Ope	rator:	CN600134316	Contra	actor's Supplies	s, Inc.	•	Classificatio	n: AVERAGE	Rating: 2.12	2
Regulated	l Entity:			RN100250034	CONT	TRACTORS SI	JPPLIES		Classification	n: HIGH	Site Rating	0.09
ID Numbe	er(s):			WASTE WATER AIR NEW SOUR PETROLEUM S' REGISTRATION	CE PERI	MITS		PERMIT ACCOUNT REGISTRA	NUMBER ATION		TXG110319 HH0213J 75931	
Location:				905 LAKE ST, H		N COUNTY, TX	(, 75670		Rating Date	: 9/1/2006 Rep	eat Violator: NO	
TCEQ Re	gion:			REGION 05 - TY	LER							
Date Com	pliance H	istory Prepared	l:	April 16, 2007								
Agency D	ecision Re	equiring Compli	iance History:	Enforcement								
Complian	ce Period:			April 16, 2002 to	April 16,	2007						
TCEQ Sta	aff Membe	r to Contact for	Additional Info	rmation Regarding	this Com	pliance History			***			
Name:	C	ari-Michel La C	aille	Pr	none:	512-239-1	387	·	8.t ::		received and the second	
				Site C	omplia	nce History	Compon	ents				
1. Has the	e site beer	n in existence a	nd/or operation	for the full five yea	r complia	ance period?		Yes	1		i de la espera	W
2. Has the	ere been a	(known) chan	ge in ownership	of the site during t	ne compli	liance period?		No	* * .		A 2 1 4 1 1 1	
3. If Yes,	who is the	current owner	?					N/A	5.00			
4. if Yes,	who was/	were the prior	owner(s)?					N/A		A CONTRACTOR OF THE PARTY OF TH		
5. When	did the ch	ange(s) in own	ership occur?				•	N/A				
Compor	ents (Mi	ultimedia) fo	r the Site :									
A.	-	=		ments, and consent	decrees	of the state of	Texas and	d the feder	al government.			
	N/A											
	A	la al a condella a		T 41 4 4								
B.	Any crim	iinai conviction	s of the state of	Texas and the fede	erai govei	ernment.						
C.		excessive emis	ssions events.									
	N/A					• .						
D.		roval dates of i	nvestigations. (CCEDS Inv. Track.	No.)						si e e	i dia
	N/A 1 2 3 4	04/25/2002 04/25/2002 04/25/2002 06/20/2003 06/20/2003	(244334) (244335) (244336) (331896) (331897)									
	6 7 8 9 10 11	10/14/2003 11/24/2003 01/12/2004 02/02/2004	(331899) (331900) (331901) (331902) (331903) (331904) (331893)									
	13 14 15 16 17 18 19 20 21	03/29/2004 04/12/2004 05/14/2004 06/18/2004 07/26/2004 08/16/2004 09/20/2004 10/29/2004 11/18/2004	(331894) (331895) (369825) (331898) (369826) (369827) (369828) (369829) (391694)									· · · · · · · · · · · · · · · · · · ·
	23	12/17/2004 01/31/2005 03/02/2005	(391695) (391696) (391692)									

25 03/31/2005

(391693)

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04/29/2005
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        11/17/2006
                        (552864)
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        01/22/2007
                        (552866)
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         02/21/2007
                        (552862)
     52
        02/21/2007
                        (552863)
        04/12/2007
                        (543642)
Written notices of violations (NOV). (CCEDS Inv. Track. No.)
      Date: 06/28/2006
                             (510278)
      Self Report?
                     NO
                                                                            Classification:
                                                                                             Minor
      Citation:
                         30 TAC Chapter 305, SubChapter F 305.125(1)
      Rgmt Prov:
                         PERMIT Self-reporting Requirements
                         Using unapproved self-generated Discharge Monitoring Report (DMR) forms to report
      Description:
                         monitoring results.
      Date: 11/30/2006
                             (552865)
                                                                                             Moderate
      Self Report?
                     YES
                                                                            Classification:
      Citation:
                         30 TAC Chapter 305, SubChapter F 305.125(1)
                         TWC Chapter 26 26.121(a)[G]
      Description:
                         Failure to meet the limit for one or more permit parameter
      Date: 12/31/2006
                             (552866)
      Self Report?
                     YES
                                                                            Classification:
                                                                                             Moderate
      Citation:
                         30 TAC Chapter 305, SubChapter F 305.125(1)
                         TWC Chapter 26 26.121(a)[G]
      Description:
                         Failure to meet the limit for one or more permit parameter
Environmental audits.
  N/A
Type of environmental management systems (EMSs).
 N/A
Voluntary on-site compliance assessment dates.
Participation in a voluntary pollution reduction program.
 N/A
Early compliance.
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39.45

Sites Outside of Texas

E.

F.

G.

Н.

J.

N/A

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
CONTRACTOR'S SUPPLIES, INC.	§ .	
RN100250034, RN100249556	§ .	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-0622-IWD-E

I. JURISDICTION AND STIPULATIONS

At its	agenda, the Texas Commission on Environmental Quality ("the
Commission" or "TCI	EQ") considered this agreement of the parties, resolving an enforcement action
regarding Contractor's	Supplies, Inc. ("Contractor's Supplies") under the authority of TEX. WATER CODE
	ecutive Director of the TCEQ, through the Enforcement Division, and Contractor's
Supplies appear before	the Commission and together stipulate that:

- 1. Contractor's Supplies owns and operates ready-mixed concrete plants at the following locations (the "Facilities"):
 - a. 905 Lake Street in Harrison County, Texas ("Facility 1").
 - b. 417 Calvin Boulevard in Gregg County, Texas ("Facility 2").
- 2. Contractor's Supplies has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
- 3. The Commission and Contractor's Supplies agree that the Commission has jurisdiction to enter this Agreed Order, and that Contractor's Supplies is subject to the Commission's jurisdiction.
- 4. Contractor's Supplies received notice of the violations alleged in Section II ("Allegations") on or about April 17, 2007 and April 30, 2007.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Contractor's Supplies of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

- 6. An administrative penalty in the amount of Four Thousand Three Hundred Eighty Dollars (\$4,380) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Contractor's Supplies has paid Three Thousand Five Hundred Four Dollars (\$3,504) of the administrative penalty and Eight Hundred Seventy-Six Dollars (\$876) is deferred contingent upon Contractor's Supplies' timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Contractor's Supplies fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Contractor's Supplies to pay all or part of the deferred penalty.
- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and Contractor's Supplies have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that Contractor's Supplies has implemented the following corrective measures at the Facilities:
 - a. On January 8, 2007, the filter gravel in all run off areas was replaced, both filter bark systems were cleaned and inspected, and service programs have been implemented to ensure the filter bark systems are cleaned and inspected on a monthly basis for Facility 1 and 2; and
 - b. On January 31, 2007, returned to compliance with permitted effluent limits for Facility 1 and 2.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Contractor's Supplies has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facilities, Contractor's Supplies is alleged to have:

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- 1. Failed to comply with the permitted effluent limits for Facility 1, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1) and General Permit No. 110319, Permit Requirements, as documented during a record review conducted on March 9, 2007. Specifically, the Total Suspended Solids ("TSS") daily maximum concentration for the reporting period ending on November 30, 2006 was 138 milligrams per liter ("mg/L") and the daily maximum concentration for the the reporting period ending on December 31, 2006 was 113.7 mg/L, which exceeded the 65 mg/L permitted limit for TSS.
- 2. Failed to comply with the permitted effluent limits for Facility 2, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1) and General Permit No. 110197, Permit Requirements, as documented during a record review conducted on March 9, 2007. Specifically, the TSS daily maximum concentration for the reporting period ending on November 30, 2006 for Outfall 001A was 138.3 mg/L and for Outfall 003A was 138.3 mg/L. The TSS daily maximum concentration for the the reporting period ending on December 31, 2006 for Outfall 001A was 139 mg/L, which exceeded the 65 mg/L permitted limit for TSS.

III. DENIALS

Contractor's Supplies generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Contractor's Supplies pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Contractor's Supplies' compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Contractor's Supplies, Inc., Docket No. 2007-0622-IWD-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The provisions of this Agreed Order shall apply to and be binding upon Contractor's Supplies. Contractor's Supplies is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the operations referenced in this Agreed Order.
- 3. This Agreed Order, issued by the Commission, shall not be admissible against Contractor's Supplies in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

Contractor's Supplies, Inc. DOCKET NO. 2007-0622-IWD-E Page 4

- 4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Contractor's Supplies, or three days after the date on which the Commission mails notice of the Order to Contractor's Supplies, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

For the Commission

Authorized Representative of Contractor's Supplies, Inc.

Section at the address in Section IV, Paragraph 1 of this Agreed Order.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

t	attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for
t	the penalty amount, is materially relying on such representation.
•	 I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in: A negative impact on my compliance history; Greater scrutiny of any permit applications submitted by me; Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency; Increased penalties in any future enforcement actions against me; Automatic referral to the Attorney General's Office of any future enforcement actions against me and TCEQ seeking other relief as authorized by law. In addition, any falsification of any compliance documents may result in criminal prosecution.
	David M. Moofy Name (Printed or typed) Name (Printed or typed) Signature 5/9/87 Date Prosident Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the

